

SOUTHERN ENVIRONMENTAL LAW CENTER

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VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ready Mix USA, LLC
Attn.: Ryan Chandley
Vice President/General Manager
Atlanta Division
106 Bell Parkway
Woodstock, GA 30188

Heather McTeer Toney
Regional Administrator
U.S. Environmental Protection Agency,
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Ready Mix USA, LLC
via Registered Agent
Corporate Creations Network Inc.
2985 Gordy Parkway, 1st Floor
Marietta, GA 30006

Judson H. Turner
Director
Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1456, East Tower
Atlanta, GA 30334

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1101A
Washington, DC 20460

Re: 60-day Notice of Intent to Sue for Violations of the Clean Water Act and Georgia Water Quality Control Act by Ready Mix USA, LLC at 10 facilities in Georgia

To whom it may concern:

Chattahoochee Riverkeeper, Inc. (CRK) hereby notifies Ready Mix USA, LLC (Ready Mix), the U.S. Environmental Protection Agency (EPA), and the Environmental Protection Division of the Georgia Department of Natural Resources (EPD), through its undersigned counsel at the Southern Environmental Law Center, of its intent to commence a civil action for serious and ongoing violations of the federal Clean Water Act (CWA) and the Georgia Water Quality Control Act (GWQCA) at ten different plants owned and operated by Ready Mix in the Chattahoochee River watershed. All ten facilities are in violation of the CWA and GWQCA by failing to comply with the terms and conditions of Georgia's 2012 National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges Associated with Industrial Activity, General Permit No. GAR050000 (Industrial General Permit or IGP).

Ready Mix's pattern and practice of violating the Industrial General Permit at its ten plants in the Chattahoochee River watershed indicates an entirely avoidable, enterprise-wide

disregard for the law and for the environment within the watershed. Under section 505 of the CWA, 33 U.S.C. § 1365, CRK will bring suit for these violations in federal district court unless, within 60 days of the postmark date of this letter, Ready Mix enters into a binding agreement to cease and promptly remediate all such violations.

I. Background

Polluted stormwater runoff from industrial sites, roadways, and construction zones is the primary cause of water quality problems in Georgia's waterways. In the Chattahoochee River watershed, industrial stormwater runoff is of particular concern, as the watershed is home to thousands of industrial facilities that operate equipment and store materials outside. When it rains, stormwater runoff washes pollutants into the Chattahoochee River and its tributaries.

Ready Mix operates numerous ready-mix concrete manufacturing plants throughout Georgia, and more than 10 plants in the Chattahoochee River watershed. Common sources of CWA pollutants at these plants include exposed aggregate (sand and gravel), concrete, shale, clay, limestone, slate, slag, and pumice, as well as spill or leaks of cement, fly ash, admixtures, dust, and oil and grease from washwater.¹ The associated pollutants from these sources include total suspended solids (TSS), chemical oxygen demand (COD), lead, iron, zinc, oil and grease, biological oxygen demand (BOD), and adverse pH levels.²

CRK is particularly troubled by the vastly elevated discharge of suspended solids by Ready Mix plants in the Chattahoochee River and its tributaries. Many creeks and streams in the watershed are *already* impaired by a number of pollutants and are especially vulnerable to high levels of TSS. Suspended solids absorb heat from sunlight, which increases water temperature and decreases levels of dissolved oxygen, causing streams to lose their ability to support aquatic life; this aquatic life suffocates for lack of available dissolved oxygen. Suspended solids also destroy wildlife habitat, because they eventually settle and smother the eggs of fish and aquatic insects and suffocate newly hatched insect larvae. High concentrations of total suspended solids can make drinking water unpalatable and can cause scale buildup in pipes, valves, and filters, reducing performance and adding to system maintenance costs.

The violations committed by Ready Mix as demonstrated herein are entirely avoidable. In the early 2000s, CRK worked with Ready Mix's predecessor, Allied ReadyMix, to greatly reduce the stormwater pollutants discharging from the Downtown Atlanta plant into Woodall Creek, which is listed on Georgia's 303(d) list as a waterbody that is already too polluted to meet state water quality standards. As a result of those efforts, which were completed in early 2004, the Downtown Atlanta plant's adverse impacts to Woodall Creek improved dramatically.

Regrettably, the Downtown Atlanta plant, now owned and operated by Ready Mix, has reverted back to its earlier practices in violation of the CWA, despite CRK's repeated invitations

¹ U.S. Environmental Protection Agency, *Industrial Stormwater Fact Sheet Series, Sector E: Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities 3* (Dec. 2006), available at http://www.epa.gov/sites/production/files/2015-10/documents/sector_e_glass.pdf (last visited Feb. 12, 2016).

² *Id.*

to work collaboratively and without resort to litigation to reduce the adverse impacts the plant is once again having on Woodall Creek.

Ready Mix's CWA and GWQCA violations stemming from stormwater pollutant discharges are not limited to just the Downtown Atlanta plant. The company has at least nine additional plants in the Chattahoochee River watershed that are in documented violation of the CWA and GWQCA. The names and addresses of all ten facilities are as follows:

Location of violations

- 1360 Marietta Boulevard, Atlanta, GA 30318 (Downtown Atlanta Plant)
- 11395 North Fulton Industrial Boulevard, Alpharetta, GA 30009 (Alpharetta Plant)
- 532 Andrews Road, Columbus, GA 31904 (Andrews Road Plant)
- 6741 McEver Road, Buford, GA 30518 (Buford Plant)
- 2194 West Point Avenue, College Park, GA 30337 (College Park Plant)
- 822 12th Street, Columbus, GA 31901 (Columbus Downtown Plant)
- 4368 Martin Luther King Boulevard, Atlanta, GA 30336 (Fulco Plant)
- 3561 Peachtree Parkway, Suwanee, GA 30024 (Johns Creek Plant)
- 1298 Owenby Drive, Marietta, GA 30066 (Marietta Plant)
- 3030 Smith Road, Columbus, GA 31908 (Smith Road Plant)

Recently, on August 20, 2015, CRK sent Ready Mix a letter notifying it of CWA and GWQCA violations at the Downtown Atlanta plant. CRK offered to work collaboratively with Ready Mix to bring the Downtown Atlanta plant into compliance with the law, consistent with CRK's prior work with Ready Mix's predecessor with respect to the significant reduction of pollutant discharges at that location. CRK never received a response to its August 2015 letter from Ready Mix.

Thereafter, on November 24, 2015, CRK sent a second letter to Ready Mix, restating the violations at the Downtown Atlanta plant and notifying the company of violations at the other above-mentioned Ready Mix plants. As in its previous letter, CRK offered to work cooperatively with the company to ensure that its facilities are in compliance with the law and without resort to litigation. Once again, CRK never received a response from Ready Mix.

CRK has been working to reduce polluted industrial stormwater runoff in its watershed for well over a decade. The substantial reduction of stormwater pollution at Ready Mix's Downtown Atlanta Plant achieved in collaboration with the previous operator of that facility demonstrates that compliance with the CWA and GWQCA is well within reach, should Ready Mix choose to do so. Because CRK is committed to protecting the Chattahoochee River and its tributaries from this substantial and continuous source of pollution, CRK is prepared to file a civil action against Ready Mix to enforce these laws unless the company immediately remedies the violations for which notice is given herein.

